

REMARKS

This is responsive to the Official Action of June 6, 2006. Claims 8-15 are pending in the application, and claims 1-7 and 16-20 are cancelled without prejudice with Applicants reserving the right to pursue such claims in a divisional application.

In this Office Action, claims 8 and 10 currently stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,106,143 to Soeters (“Soeters”) while claims 9 and 11-15 currently stand rejected under 35 U.S.C. §103(a) as being obvious over Soeters in view of U.S. Patent Application Publication No. 2003/0122392 to Larsen et al. (“Larsen”), U.S. Patent No. 6,811,197 to Grabowski (“Grabowski”), U.S. Patent No. 6,086,129 to Gray (“Gray”) and/or U.S. Patent Application Publication No. 2003/0222474 to Liu (“Liu”).

Independent claim 8, which is the only independent claim pending after this amendment, and dependent claims 9, 11, 12, and 15 have been amended.

More specifically, claim 8 now recites a multipurpose console comprising, in part, a housing and a transport device configured to removably connect with the housing to transport the housing. In addition, dependent claim 9 now recites that the housing includes a built-in speaker. Dependent claims 11 and 12 now recite that the transport device is configured to be removably secured to the at least one anchor point. Finally, dependent claim 15 now recites a thermoelectric cooling device for cooling the first compartment and “DVD player” and “navigational unit” have been removed from the list of electronic devices. Support for the amendments can be found throughout the specification and, more specifically, at least at paragraphs 0027, 0030, 0038, 0043, and Figs. 1A, 2, 5A, 6, and 7, for example.

In view of the following remarks, Applicants respectfully submit that this application is in complete condition for allowance and request reconsideration of the application in this regard.

35 U.S.C. §102 -- Rejections of Claims 8 and 10

It is well established that "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

To that end and with respect to independent claim 8, Examiner has already recognized that Soeters does not disclose Applicants' removable transport device. *See* Paragraph 6 of the Official Action. As such, Applicants submit that Examiner's rejection of independent claim 8 (and dependent claim 10) has been rendered moot by the amendment to claim 8. Accordingly, Soeters alone does not teach or suggest Applicants' amended independent claim 8 or any of its dependent claims. To the extent that Examiner would consider combining Soeter with Larsen to reject amended claim 8, Applicants' remarks below should be taken into consideration.

Finally, Examiner's rejection of dependent claim 10 is believed to be improper insofar as claim 10 depends directly from claim 9 (and indirectly from claim 8) and claim 9 does not stand rejected under 35 U.S.C. §102(b) as being anticipated by Soeters.

Section 103 -- Rejection of Claims 11 and 12

Independent claim 8 has been amended to set forth a “transport device configured to removably connect with the housing.” In rejecting dependent claims 11 and 12, Examiner cites Larsen for the purpose of supplying this teaching to the console of Soeters. In combining Soeters and Larsen, Examiner asserts that it would have been obvious to one of ordinary skill in the art to provide the console of Soeters with a transport strap 50 as taught by Larsen for ease of transport when disconnected from the vehicle. *See* Paragraph 6 of the Office Action.

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). There is clearly no such teaching in the cited references.

Applicants’ claims are directed to a multipurpose console having a housing that is configured to releasably engage a mounting mechanism of a vehicle and that includes a removable transport device, e.g. a removable strap, to allow easy transport of the console to any preferred location so that an occupant may utilize its features, e.g., a radio and built-in speaker(s), MP3 player, and/or cooling compartment, not only inside the vehicle but also outside the vehicle. *See*, e.g., paragraphs 0027, 0030, 0038, 0043, and Figs. 1A, 2, 5A, 6, and 7. Soeters fails to suggest combining a removable transport device, e.g. a strap, with its floor mounted snap-in console. Upon close review of Larsen, this reference discloses a modular console and storage system that includes a removable storage enclosure or tote 16 with a removable strap 51 and a bottom configured to fit within a recess in the base of the console 10. *See*, e.g., paragraphs 0015

and 0027, and Figs 1 and 2. This removable tote 16 with its removable strap 51 is akin to a purse or bag and is simply a component of Larsen's modular overall console, and, thus, is not itself the main console. Larsen may motivate one of ordinary skill to transform the Soeters console into a modular console system having a component that lifts away in the form of a tote, but it clearly does not suggest adding a removable transport device to the overall console housing itself (i.e., to the main console having the power contact and engaging the connection mechanism of the vehicle as required by claim 8). The only suggestion or motivation provided in that regard is contained in Applicants' own disclosure and use of such motivation amounts to improper hindsight reconstruction of the claimed invention.

For the reasons above, the combination of Soeters and Larsen fails to present a *prima facie* case of obviousness.

Section 103 -- Rejection of Claim 9

In rejecting dependent claim 9, Examiner cites Gray to fill the teaching void of Soeters, i.e., for the purpose of supplying the claimed sound contact and speaker. In combining Soeters and Gray, Examiner asserts that it would have been obvious to one of ordinary skill in the art to include a computer data contact between the console and vehicle of Soeters as taught by Gray to enhance the function of the console, and the computer of Soeters (as modified) receives data from the vehicle which selectively results in sounds through the inherent speaker of the computer. See Paragraph 8 of the Official Action. Applicants have amended claim 9 to recite a

built-in speaker and a sound contact adapted to cooperate with the vehicle to provide sound to the speaker.

Even assuming *arguendo* that one having ordinary skill in the art would actually combine Soeters and Gray, the combination of the references still fails to teach or suggest Applicants' claimed multipurpose console. To establish *prima facie* obviousness of a claimed invention, it is well established that all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Notably, Examiner has already recognized that Soeters fails to disclose a sound contact and speaker. Concerning Gray, this reference, at best, merely teaches that audio signals may be transmitted to occupants via headphones 56, such headphones being removably plugged, into a vehicle passenger compartment floor console via a cord. *See* abstract; and col. 4, lines 59-60. Therefore, Gray, like Soeters, fails to teach or even suggest incorporating a built-in speaker into its housing, or any housing, wherein such built-in speaker provides sound via a sound contact. Accordingly, the combination of Soeters and Gray fails to provide a *prima facie* case of obviousness in at least this regard.

Section 103 -- Rejection of Claims 13

In rejecting dependent claim 13, Examiner cites Grabowski for supplying Applicants' claimed rechargeable battery source. Examiner asserts that it would have been obvious to provide the console of Soeters with battery power as taught by Grabowski for an

enhanced power source for the electronics of the console and other devices. See Paragraph 7 of the Official Action.

Grabowsky discloses a housing assembly to cover (or hide) car batteries. See, e.g., col. 2, lines 19-21; col. 3, lines 14-29; col. 4, lines 59-61 and Figs. 5a and 5b. Such car batteries, clearly, are not the same as Applicant's rechargeable batteries, e.g. 12[]volt batteries (See specification, paragraph 0041), which may be utilized to operate the various features of Applicant's console when it is used outside of the vehicle. Accordingly, at least due to the prohibitive weight and size of car batteries, it can safely be said that one skilled in the art simply would have no motivation to combine the car batteries of Grabowsky with the console of Soeters to arrive at the transportable multipurpose console of claim 13. Thus, the combination of Soeters and Grabowsky also fails to present a *prima facie* case of obviousness.

Section 103 -- Rejection of Claim 15

In rejecting dependent claim 15, Examiner cites Liu for the purpose of supplying Applicants' claimed thermoelectric device and Gray for the purpose of supplying Applicant's electronic devices. In combining Soeters with Gray and Liu, Examiner asserts that it would have been obvious to one of ordinary skill in the art to provide the console of Soeters with means for utilizing radio waves as taught by Gray for enhancing functioning of the console and to include a thermoelectric device as taught by Liu in order to heat water. See Paragraph 9 of the Official Action.

Again, Applicants have amended claim 15 so that multipurpose console now includes a housing including a first compartment, the first compartment having a thermoelectric cooling device and an electronic device including at least one of a radio or MP3 input.

Even assuming *arguendo* that one having ordinary skill in the art would actually combine Soeters with Liu and Gray, the combination of the references still fail to teach or suggest Applicants' claimed multipurpose console. With respect to Liu, while this reference appears to disclose an in-car drinking device, which is mounted in the internal cabin of a common vehicle so as to provide hot water for the people in the car to make tea or beverage, it simply fails to teach or suggest, like Soeters, a housing including a thermoelectric cooling device for cooling the first compartment. *See*, e.g., abstract, paragraphs 0002, 0052, and 0053. In fact, nothing in Liu suggests that the in-car drinking device is to do anything other than heat water to provide hot water. In addition, concerning Gray, while this reference appears to disclose electronic circuitry that may be included in a device that, for example, converts broadcast microwave signals or information stored in magnetic media (video tape) into video images, it fails to teach or suggest, like Soeters, a housing having an electronic device including at least one of a radio or MP3 input, i.e., audio only devices. *See*, e.g., col. 4, lines 44-56.

For all of the above reasons, the combination of Soeters, Liu, and Gray also fails to present a *prima facie* case of obviousness.

Conclusion

As a result of the remarks given herein, Applicants submit that the rejections of claims 8-15 have been overcome. Therefore, Applicants respectfully submit that this case is in condition for allowance and requests allowance of the pending claims.

If Examiner believes any issue requires further discussion, Examiner is respectfully invited to telephone the undersigned attorney so that the matter may be promptly resolved. Applicants also have submitted all fees believed to be necessary herewith. Should any additional fees or surcharges be deemed necessary, Examiner has authorization to charge fees or credit any overpayment to Deposit Account No. 23-3000.

Respectfully submitted,
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